

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EMELIKE NWOSUOCHA,

Plaintiff,

v.

DONALD MCKINLEY GLOVER, II, et al.,

Defendants.  
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: 1:21-cv-04047 (VM)  
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: **DECLARATION OF**  
: **JONATHAN D. DAVIS**  
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JONATHAN D. DAVIS declares as follows:

1. I am the sole shareholder of Jonathan D. Davis, P.C., attorneys for Defendant Donald Glover in the above-captioned action. I am fully familiar with the matters set forth herein.

2. I submit this declaration in support of the Defendants<sup>1</sup> joint motion, in accordance with the Order, dated June 24, 2022, under Fed. R. Civ. P. 12(b)(6) for an order: (1) dismissing the Complaint [ECF Dkt. No. 1] because neither the musical composition “Made in America” (“Plaintiff’s Composition”), nor the music video embodying Plaintiff’s Composition, is registered with the United States Copyright Office, which is a prerequisite to filing a copyright claim; or, alternatively, (2) dismissing the copyright infringement claim for failure to adequately plead “access” or “substantial similarity” between Plaintiff’s Composition and “This is America” (the “Challenged Composition”).

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<sup>1</sup> “Moving Defendants” refers to Donald McKinley Glover, II, Ludwig Emil Tomas Göransson, Jefferey Lamar Williams, Kobalt Music Publishing America, Inc. d/b/a Songs of Kobalt Music Publishing, RCA Records, Sony Music Entertainment, Young Stoner Life Publishing, LLC, 300 Entertainment LLC (f/k/a Theory Entertainment LLC d/b/a 300 Entertainment), Roc Nation Publishing LLC d/b/a Songs of Roc Nation, Atlantic Recording Corporation, Songs of Universal, Inc., Warner Music Group Corp., and Warner-Tamerlane Publishing Corp.

3. Attached as Exhibit A is a copy of the Complaint.
4. Attached as Exhibit B is U.S. Copyright Registration (Pau000354788) for the musical composition “Made In America,” registered in 1981, and authored by David Doyle and A.J. Loria.
5. Attached as Exhibit C is U.S. Copyright Registration (PA0000890766) for the musical composition “Made In America,” registered in 1998, and authored by Richie Sambora and Richie Supa.
6. Attached as Exhibit D is U.S. Copyright Registration (PA0001768256) for the musical composition “Made In America” registered in 2011, and authored by Frank Ocean, Kanye West, Shawn Carter, Shama Joseph, and Mike Dean.
7. Attached as Exhibit E is U.S. Copyright Registration (PA0001776533) for the musical composition “Made In America,” registered in 2011, and authored by Toby Keith Covell, Bobby Pinson, and Gregory Scott Reeves.
8. Attached as Exhibit F is U.S. Copyright Registration (PA0001786233) for the musical composition “Made In America,” registered in 2012, and authored by John Sembello.
9. Attached as Exhibit G is U.S. Copyright Registration (PA0001864125) for the musical composition “Made In America,” registered in 2013, and authored by Kevin Fransen, Tim Kmet, and Gail Irmen.
10. Attached as Exhibit H is U.S. Copyright Registration (PA0002119555) for the musical composition “Made In America,” registered in 2017, and authored by Jayceon Terrell Taylor and Marcus Black.
11. Attached as Exhibit I are the lyrics for Plaintiff’s Composition.
12. Attached as Exhibit J are the lyrics for Challenged Composition.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed at New York, New York, on this 9<sup>th</sup> day of September 2022.

/s/ Jonathan D. Davis

JONATHAN D. DAVIS